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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

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8 JAMERS FLAVY COY BROWN,

2:13-CV-1039 JCM (PAL)

9 Plaintiff(s),

10 v.

11 SOUTHERN NEVADA ADULT  
12 MENTAL HEALTH SERVICES,

13 Defendant(s).  
14

15 **ORDER**

16 The court granted a partial dismissal in this case on February 13, 2014, thereby extinguishing  
17 plaintiff's federal constitutional and statutory claims but leaving extant all of the state law claims  
18 dealing with patient dumping. (Doc. # 54).

19 Specifically, the court dismissed plaintiff's claims of violations of the Eighth Amendment  
20 prohibition of cruel and unusual punishment, the Fourth Amendment proscription against  
21 unwarranted search and seizure, as well as claims under the Fourteenth Amendment because they  
22 lacked a factual basis. The court also dismissed plaintiff's causes of action under the Americans with  
23 Disabilities Act and the Emergency Medical Treatment and Active Labor Act, as he failed to state  
24 cognizable claims pursuant to these statutes.

25 That dismissal was without prejudice, meaning that plaintiff could reallege those claims  
26 provided that they were factually supported. At this point, plaintiff may attempt to amend his  
27 complaint to reallege his constitutional and federal statutory claims, assuming that he can provide  
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1 a factual basis for those claims; alternatively, he may proceed in this court on the still viable state  
2 law patient dumping claims; finally, he may elect to request that this court dismiss the state law  
3 claims so that plaintiff can pursue those claims in state court.

4 To promote judicial efficiency and speedy resolution of cases, the court hereby orders a status  
5 check for Wednesday, March 12, 2014 at 11:00 a.m., in order to determine how the plaintiff intends  
6 to proceed.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parties in this matter  
9 are to appear before the court for a status check hearing on **Wednesday, March 12, 2014, at 11:00**  
10 **a.m.**

11 DATED February 27, 2014.

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14 UNITED STATES DISTRICT JUDGE